

Appl No. 10/552,365  
Amdt. Dated August 31, 2009  
Reply to Office Action of May 29, 2009

**• • • REMARKS/ ARGUMENTS • • •**

The Official Action of May 29, 2009 has been thoroughly studied. Accordingly, the following remarks are believed to be sufficient to place the application into condition for allowance.

By the present amendment independent claim 1 has been changed to recite that the frame protrudes forward to form a casing for placing the battery at a middle position of a front and low end of the frame in which casing the battery is received.

Entry of this change to claims is respectfully requested.

On page 2 of the Office Action the Examiner has requested applicant to submit a drawing.

On December 7, 2007 in a request for a corrected filing receipt, applicant submitted four sheets of drawings, including Figs. 1-4 which were originally filed with this application.

The Examiner is respectfully requested to review these drawings and further advise applicant of any objections to the drawings.

Claims 1-10 are pending in this application.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/014112 to Flowers et al.

Claims 3-10 are presently allowable.

For the reasons set forth below it is submitted that all of the pending claims are allowable over the prior art of record and therefore, the outstanding rejection of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

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The Examiner has relied upon Flowers et al. as teaching:

...an electric vehicle (10) including: a frame/mounting (84); a seat unit (140); two front wheels (51,52); two rear wheels (61,62), a driving device (70); a battery (86); a steering system (110); and a front wheel suspension device (21), the frame (84) protrudes forward to form a casing at a middle position of a front end of the frame (84) in which casing the battery (86) is received, the front wheel suspension device (21) has a front convex shape and a rear concave shape covering a front end of the casing, and is pivotally joined (at 90) at a middle position of the front end of the casing, and the two front wheels (3) installed on the front wheel suspension device (21); the steering system (110) is connected to the front end of the frame (84) and interlocks with the front wheels (51, 52). A rear edge of the front wheels (51, 52) is located at the rear of the front edge of the battery (86), as shown in Fig. 1.

Flowers et al. mounts the battery 86 on the tiller unit 80 quite a distance from the ground level. This has the adverse effect of raising the center of gravity of the vehicle of Flowers et al. and making it more susceptible to being unstable and falling over, especially when turning.

Further, by mounting the battery 86 on the tiller unit 80 the steering and control of the Flowers et al. vehicle becomes more difficult, because the rider has to moved the combined weight of the tiller unit 80 and the battery 86.

In order to more clearly define the present invention over Flowers et al. applicant's independent claim 1 has been amended herein to recite that the frame protrudes forward to form a casing for placing the battery at a middle position of a front and low end of the frame in which casing the battery is received.

The structural differences between the present invention and Flower et al. provide the present invention with:

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- More stability and a lower center of gravity by locating the battery forward and low in the front of the frame.

- A more stable suspension when ridden and no requirement of anti-tip wheels.
- Sufficient room for the battery without the width and length of the scooter having to be increased, which providing sufficient leg room for a rider.

It is thus submitted that the structural differences between applicant's claimed invention and Flowers et al., together with the related functional differences, clearly patentably distinguishes applicant's claimed invention over Flowers et al.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicant's claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.


It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

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If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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